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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,302	09/28/2001	Steven J. Gatewood	IP 6141 US	5206
1726	7590	03/29/2005	EXAMINER	
INTERNATIONAL PAPER COMPANY 6285 TRI-RIDGE BOULEVARD LOVELAND, OH 45140			TARAZANO, DONALD LAWRENCE	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/967,302	<b>Applicant(s)</b> GATEWOOD ET AL.	
	<b>Examiner</b> D. Lawrence Tarazano	<b>Art Unit</b> 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 27 December 2004.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 9, 24 and 27-32 is/are pending in the application.  
4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 9 and 27-32 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**D. LAWRENCE TARAZANO**  
**PRIMARY EXAMINER**

*(Signature)*

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*(Signature)*

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9, 27, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Gulati et al. (4,629,657).

3. The applicants claim a film having a first biaxially oriented polymeric film layer, an adhesive layer which bonds the first layer to a paper substrate and a second polymeric layer on said first layer (or on the opposite side).

4. The resulting structure would have the following arrangement: second layer (1)/ first layer (2) / adhesive layer (3) / paper layer. The examiner notes that in this structure a three-layer biaxially oriented film adhered to a paper substrate would meet the claimed structure.

5. Gulati et al. teach three-layer polymeric films having a top layer (comprising ethylene acrylic acid copolymer EAA) (**corresponding to 3**), an intermediate layer (comprising polypropylene) (**corresponding to 2**), and the bottom layer (comprises a material from the group consisting of copolymers of ethylene and an unsaturated carboxylic acid, especially ethylene acrylic acid copolymer, copolymers of ethylene and propylene, copolymers of ethylene and vinyl acetate, or ionomers of ethylene and methacrylic acid.), (**corresponding to 1**) (column 2, lines 16+).

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6. The films are formed by coextrusion followed by orientation (column 2, lines 57+). While the surface layers may be uniaxially oriented this is an alternative embodiment
7. Regarding claim 27, the prior art teaches ethylene / propylene copolymers and the applicants claim polyethylene or polypropylene. Ethylene / propylene copolymers having an ethylene content of greater than 50% are polyethylene, those having a polypropylene content of greater than 50% are polypropylene.
8. Regarding claim 30, paper is a cellulosic material.
9. Regarding claim 32, the top layer is bound to paper and used in packaging applications (column 1, lines 36+; column 1, lines 12+).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 28, 29 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Gulati et al. (4,629,657).
12. Regarding claims 28 and 29, it would have been obvious to one having ordinary skill in the art to have printed either the paper or the polymeric film used in Gulati et al. for use in packaging applications so that the contents of the package could be identified.

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13. Regarding claim 31, it would have been obvious to one having ordinary skill in the art to have used paperboard or bleached paper in the structures taught depending on the end use of the laminated structure.

***Response to Arguments***

14. Applicant's arguments with respect to claims 9 and 27-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Lawrence Tarazano whose telephone number is (571)-272-1515. The examiner can normally be reached on 8:30 to 6:00 (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Lawrence Tarazano

